

AO 41 United States District Court Southern District of Texas Rule 5 &amp; 5.1 Hearings (Complaint or Indictment)

FILED

APR 25 2017

David J. Bradley, Clerk of Court

United States of America

v.

Favian Anthony Vega  
Defendant

UNITED STATES DISTRICT COURT

for the  
District of Arizona  
BROWNSVILLE, TX

Case No. 17-8172 MJ

Charging District's Case No.

B-17-MJ-411

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U.S. MARSHALS S/TX

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APR 19 2017	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY SMH	DEPUTY

### WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) S.D. Texas

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 4/19/17

[Signature]  
Defendant's signature

[Signature]  
Signature of defendant's attorney

Pusan E. Anderson  
Printed name of defendant's attorney

**United States District Court--District of Arizona - Phoenix**  
**Order Setting Conditions of Release**

DATE: 4/19/17

CASE NUMBER: 17-8172MJB-17-MJ-411

USA vs. Favian Anthony Vega

☒ PERSONAL RECOGNIZANCE☐ AMOUNT OF BOND \_\_\_\_\_☐ UNSECURED☐ SECURED BY \_\_\_\_\_

SECURITY TO BE POSTED BY \_\_\_\_\_

NEXT APPEARANCE as directed through counsel

☐ 401 West Washington St., Phoenix, AZ☐ Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor

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<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
APR 19 2017	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>SAH</u>	DEPUTY

**IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:**

- ☒ appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ not commit any federal, state or local crime.
- ☒ cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- ☒ immediately advise court, defense counsel and U.S. Attorney in writing of change in address/telephone number.
- ☐ maintain or actively seek verifiable employment or (combination of work/school) if defendant is physically or medically able and provide proof of such to Pretrial Services.
- ☐ not travel outside of: \_\_\_\_\_  
except Defendant may travel directly to the prosecuting district, and through all states and counties in between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences only unless express PRIOR Court or Pretrial Services permission is granted to do so.
- ☐ avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), and/or ( ) the custodial parent, except Defendant may communicate with custodial parent solely for visitation purposes with his/her minor child(dren): \_\_\_\_\_
- ☐ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- ☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- ☐ execute an agreement to forfeit upon failing to appear as required, the bond or designated property: \_\_\_\_\_
- ☐ be placed in the third party custody of \_\_\_\_\_
- ☐ refrain from ☐ any ☐ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 U.S.C. 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice. This provision does not permit the use or possession of medicinal marijuana even with a physician's written certification.
- ☐ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services. The defendant shall not interfere, obstruct or tamper in any way with the administration of any Court ordered substance abuse testing.
- ☒ surrender all travel documents to Pretrial Services by 4/21/17 by 5:00 PM and will not obtain a passport or other travel document during the pendency of these proceedings.
- ☐ obtain no passport or other travel documents during the pendency of these proceedings.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☒ maintain weekly contact with his/her attorney by Friday, noon of each week.
- ☐ timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of \$ \_\_\_\_\_
- ☐ actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
- ☐ not access via computer or possess any photographs or videos of sexually explicit conduct as defined by 18 U.S.C. § 2256(2).
- ☐ \_\_\_\_\_

## ADVICE OF PENALTIES AND SANCTIONS

B-17-MJ-411

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.

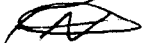
It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both; (2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both; (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both; (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

## ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE 4/19/17	SIGNATURE OF DEFENDANT 
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Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)
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Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: 4/19/17

  
JOHN Z. BOYLE  
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

B-17-MJ-411

## NOTICE REGARDING UNITED STATES PASSPORT FOR CRIMINAL DEFENDANT

TO: Office of Legal Affairs, Passport Services  
U.S. Department of State  
CA/PPT/L/LA  
44132 Mercure Circle #1227  
Sterling, VA 20166-1227

FROM: United States Pretrial Services  
Sandra Day O'Connor Courthouse, Suite 260  
401 W. Washington Street, SPC 8  
Phoenix, Arizona 85003-2119  
(602) 322-7350  
Fax: (602) 322-7380

## Original Notice

Date: April 21, 2017  
By: Veronica Espinosa

Defendant: <u>Favian Anthony Vega</u>	Case Number: <u>0970 2:17-08172M</u>
Date of Birth: _____	Place of Birth: <u>Brownsville, TX</u>
SSN: _____	

## Notice of Court Order (Order Date: April 19, 2017)

- ☒ The above-named defendant is not permitted to apply for the issuance of a passport and/or passport card during the pendency of this action.
- ☒ The above-named defendant surrendered Passport number 519737615 to the custody of the U.S. Pretrial Services on April 21, 2017.

## NOTICE OF DISPOSITION

The above case has been disposed of.

- ☐ The above order of the court is no longer in effect.
- ☐ Defendant not convicted – Document returned to defendant.
- ☐ Defendant not convicted – Document enclosed for further investigation due to evidence that the document may have been issued in a false name.
- ☐ Defendant convicted – Document and copy of judgment enclosed.

Distribution:

Original to case file  
Department of State  
Defendant (or representative)  
Clerk of Court

CLOSED,PASSPORT

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CRIMINAL DOCKET FOR CASE #: 2:17-mj-08172-JZB All Defendants**

**B-17-MJ-411**

Case title: USA v. Vega  
Other court case number: B-17-411-MJ USDC, Southern  
District of Texas (Brownsville)

Date Filed: 04/19/2017  
Date Terminated: 04/21/2017

Assigned to: Magistrate Judge John Z  
Boyle

**Defendant (1)**

**Favian Anthony Vega**  
73259-408  
*TERMINATED: 04/21/2017*

represented by **Susan E Anderson**  
Federal Public Defenders Office -  
Phoenix  
850 W Adams St., Ste. 201  
Phoenix, AZ 85007  
602-382-2700  
Fax: 602-382-2800  
Email: susan\_anderson@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

Rule 5 Complaint 18:1546 Fraud and  
Misuse of visas, permits, and other  
documents

**Disposition**

B-17-MJ-411

**Plaintiff**

USA

represented by **Vincent Quill Kirby**  
 US Attorneys Office - Phoenix, AZ  
 2 Renaissance Square  
 40 N Central Ave., Ste. 1200  
 Phoenix, AZ 85004-4408  
 602-514-7500  
 Fax: 602-514-7650  
 Email: Vincent.Kirby@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Assistant US Attorney*

Date Filed	#	Docket Text
04/19/2017	<u>1</u>	Arrest (Rule 5 Complaint) of Favian Anthony Vega. (ESL) (Entered: 04/19/2017)
04/19/2017	<u>3</u>	MINUTE ENTRY for proceedings held before Magistrate Judge John Z Boyle: Initial Appearance in Rule 5(c)(3) Proceedings as to Favian Anthony Vega held on 4/19/2017. FINANCIAL AFFIDAVIT TAKEN. Appearance entered by AFDPD Susan E Anderson on behalf of defendant. Identity Hearing waived. Warrant of Removal not issued. Detention Hearing submitted. Defendant ordered released with conditions. Preliminary Hearing reserved for prosecuting district. LATER: Defendant is scheduled to appear in the District of Texas on 5/11/17 at 10:00 AM before Magistrate Judge Ronald Morgan, Courtroom 2, 600 East Harrison Street, Brownsville, Texas 78520. Order to follow.  <b>Appearances:</b> AUSA Vincent Kirby for the Government, AFDPD Susan Anderson for defendant. Defendant is present and in custody. (Recorded by COURTSMAART.) Hearing held 3:18 PM to 3:24 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMH) (Entered: 04/20/2017)
04/19/2017	<u>5</u>	WAIVER of Rule 5(c)(3) Hearing by Favian Anthony Vega. (SMH) (Entered: 04/20/2017)
04/19/2017	<u>6</u>	ORDER Setting Conditions of Release as to Favian Anthony Vega. Signed by Magistrate Judge John Z Boyle on 4/19/17. (SMH) (Entered: 04/20/2017)
04/21/2017	<u>7</u>	NOTICE re: PASSPORT as to Favian Anthony Vega. Defendant is not permitted to apply for the issuance of a passport and/or passport card during the pendency of this action. (PTS-VE, ) (Entered: 04/21/2017)
04/21/2017	<u>8</u>	ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING - Southern District of Texas as to Favian Anthony Vega. Signed by Magistrate Judge John Z Boyle on 4/20/2017. (CIS) (Entered: 04/21/2017)

B-17-MJ-411

04/21/2017	9	<p>Notice to Southern District of Texas of a Rule 5 or Rule 32 Initial Appearance as to Favian Anthony Vega. Your case number is: B-17-411-MJ. Please use PACER Court Links to access the public docket and documents. Any necessary sealed or ex parte documents will be sent in a separate e-mail.</p> <p><i>(If you wish to designate a different email address for future transfers, please send your request to the national list host at <a href="mailto:InterdistrictTransfer_TXND@txnd.uscourts.gov">InterdistrictTransfer_TXND@txnd.uscourts.gov</a>.)</i> (CIS) (Entered: 04/21/2017)</p>
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PACER Service Center			
Transaction Receipt			
04/25/2017 09:28:30			
<b>PACER Login:</b>	us0288:2650724:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:17-mj-08172-JZB
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20